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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

SAR100061000

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on February 10, 2006

Signature

Typed or printed

name Carol M. Thomas

Application Number

10/785,586

Filed

February 23, 2004

First Named Inventor

Danial J. Picard et al.

Art Unit

2632

Examiner

Travis R. Hunnings

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)☒

attorney or agent of record.

Registration number 31,867☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Peter W. Peterson

Typed or printed name

(203) 787-0595

Telephone number

February 10, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐

\*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DOCKET: SAR100061000

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

INVENTOR:	Daniel J. Picard	)	EXAMINER:	Travis R. Hunnings
		)		
SERIAL NO.:	10/785,586	)	ART UNIT:	2632
		)		
FILING DATE:	February 23, 2004	)	DATE:	February 10, 2006
		)		
FOR:	Integrated Fire Exit	)		
	Alert System	)		

**REASONS FOR PRE-APPEAL REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants are submitting these remarks to accompany their Notice of Appeal and Pre-Appeal Brief Request for Review.

The present application is directed to fire exit door hardware having an integrated speaker and light signal used to signal the location of the fire exit to which the hardware is attached. The invention is specifically directed to solving the problem of directing the public, who may have entered through a first entrance, to the fire exit door at another location when fire, smoke or loss of lighting power has made it impossible to locate standard "EXIT" signage.

**Omission of Essential Elements Needed for a Prima Facie §103 Rejection**

Claims 1, 16, 17, and 22 stand finally rejected under 35 USC § 103 as being obvious in view of Wilker et al. US Patent 6,859,145. The Examiner and the

applicants agree that Wilker discloses "a speaker that relays any audible communication information, such [as] a recorded message, a relayed communication message, a relayed live transmission, or the like." Column 4, lines 14-17 of Wilker '145.

The applicants assert, however, that this reference fails to disclose two essential elements of the claimed invention. First, Wilker fails to disclose or suggest the critical feature of the present invention in claim 1, namely, that the speaker broadcasts a voice signal that "indicate[s] that the source of the voice signal is an exit." The fundamental purpose of the present invention is to alert the public that the sound they hear is coming from an exit and that by proceeding to the source of the voice signal a safe exit will be found.

Second, the applicant asserts that Wilker fails to disclose or suggest that the voice signal should be stored in the device itself.

With respect to the first issue, the Examiner states "it would have been obvious to one of ordinary skill in the art to record any desired message including one that indicated that the sound of the voice message was an exit." See final rejection, page 20 line 16 to page 21 line 1. At column 4 line 11 of Wilker it states that the speaker "may emit any distinctive audible sound, such as a buzzer, chirp chime or the like." Alternatively, it may be used for "any audible communication."

These audible signals of Wilker are in accordance with the prior art, which use the audible signal to indicate the existence of an emergency situation, such as the presence of a fire or smoke, and/or which announce by voice the type of emergency or provide generic instructions to evacuate the building. However, prior

art devices of this type have not heretofore specifically stated that the audible signal is located at a fire exit. Consequently, the public could not know from the Wilker design that they could safely exit by proceeding to the source of the voice signal.

Wilker does not teach this, and the Examiner is using the teaching of the applicant's own invention, without any support in Wilker, to conclude in hindsight that it is obvious to have the fire alert speaker tell the public that a safe exit can be located by proceeding to the source of the audible signal.

With respect to the second issue, throughout Wilker it states that the speaker "relays any audible communication" or provides a "relayed communication message" or a "relayed live message." See Wilker column 4 line 14-17. The consistent use of the term "relayed" indicates that the speaker is producing a voice signal originating at some point other than the door itself. Claim 1 of the present invention states that the voice signal must come from a "storage element" and that the "storage element" must be part of "a control circuit mounted in the fire exit door hardware case."

The applicants' design stores the voice signal locally and ensures that the desired "exit here" voice message is located at the fire exit door. The Examiner states that "one of ordinary skill in the art would have found it obvious to store the recorded message in the memory of the exit device of Wilker (column 6, lines 11-15) instead of having it relayed from a remote location in order to prevent situations where the communication lines were damaged by the fire itself."

However, Wilker does not teach what the Examiner finds to be obvious. Wilker does not state that the memory is used to store a voice signal. Wilker states

that the voice signal is “relayed” from elsewhere and that the “memory 112” “stores instructions and data” for the CPU.

Claims 2-4 and 23-25 stand rejected over Wilker in view of Haus ‘084. These claims are directed to the coordination of the light signal to flash when the voice signal says “here” or otherwise identifies that the source of the voice signal is a safe exit. This coordination serves to emphasize that the flashing light and the voice signal are co-located at the exit door.

A light/visual signal can often be easily seen and its location easily identified, but it carries no clear meaning. A voice signal carries clear meaning, but it may be hard to locate even when stating that the source of the voice signal is a safe exit. The claimed combination of the two provides the advantages of both. A member of the public who can see and locate the light may not be able to easily track to the location of the voice signal, but will still know that the light is at a safe exit due to this coordination with the voice signal.

Haus discloses a light that flashes in coordination with a fire alarm bell, which Haus indicates is useful for “people who are deaf [and would not otherwise] be alerted to ... alarms” (column 1 lines 21-22). However, Haus does not disclose or suggest the linkage between light and voice that serves the hearing public to find the exit by coordinating the wording of the voice signal to the visual signal.

With respect to this point, the Examiner again takes the position that it would simply be obvious to coordinate the light to emphasize the voice signal indication “that the source of the voice signal is an exit.” The rejection is based solely upon Haus’ bell/light alarm oscillation for the deaf. Haus fails to recognize or teach the

benefits to the hearing public from combining the voice signal (easy to understand, hard to locate) and the light signal (easy to locate, but provides no inherent meaning).

It is respectfully submitted that the application is in a condition where allowance of the entire case is proper. Reconsideration and issuance of a notice of allowance are respectfully solicited.

Respectfully submitted,




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Reg. No. 31,867

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 2231301450.

Name: Carol M. Thomas Date: February 10, 2006 Signature: 

sar100061000Pre-Appeal